

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10 were pending this application. By way of the reply to Restriction Requirement of October 30, 2003, claims 7 and 8 were elected for continued prosecution without traverse and claims 1-6, 9, and 10 were canceled. By way of this reply, claims 7 and 8 have been canceled without prejudice or disclaimer and claims 11-16 have been added. Accordingly, claims 11-16 are now pending in this application. Claims 11 and 14 are independent. The remaining claims depend, directly or indirectly, from claim 11 or 14.

Claim Amendments

New claims 11-16 have been added in this reply to clarify the present invention recited. The amendments are fully supported by, for example, the descriptions on page 20, line 17, through page 21, line 3, and on page 4, lines 20-32, and Figs. 1, 2, 4, and 5 of the original specification. No new matter has been added in this reply. These new claims read on the elected invention.

Objection(s)

The drawings were objected to for not showing every feature recited in the claims. In this reply, claims 7 and 8 have been canceled and new claims 11-16 have been added to

clarify the present invention recited. In view of the amendments, this objection is now moot. Accordingly, withdrawal of this objection is respectfully requested.

Rejection(s) under 35 U.S.C § 112

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 7 and 8 have been canceled in this reply and new claims 11-16 have been added to clarify the present invention recited. In view of the amendments, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 7 and 8 stand rejected under 35 U.S.C. § 103 (a) as obvious over U.S. Patent 6,023,499 (“Mansey et al.”). Claims 7 and 8 have been cancelled in this reply. Thus, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

New claims 11-16 have been added in this reply to clarify the present invention recited. To the extent that this rejection may apply to the added claims, the rejection is respectfully traversed.

Claims 11-13

Independent claim 11 recites a scheme to carry out a procedure for charging for distribution of server programs on a network system. Specifically, new claim 11 includes the limitation “the server terminal receives the service program and the permission information from the server via the communication network and distributes the service program to the other terminals via the communication network on the basis of the permission information, and the other terminals receive the service program from the

server terminal via the communication network,” and “the server charges the server terminal for the number of the distributed service programs.” Advantageously, this allows the server to charge the server terminal lump sum for the distribution of the server programs regardless of the number of the terminals that received the server program.

Mansey et al., in contrast, does not disclose the limitations recited in claim 11. Mansey et al. merely discloses monitoring real-time billing of an enhanced telephone network service, such as a conference call service. Specifically, in order to monitor the status of the conference call in real-time, the host caller accesses the intelligent peripheral 14 via the web server 26 on the Internet, and the intelligent peripheral 14 begins sending the conference call status information to the host caller's computer 32 for the web browser to display it. Further, each time one of the running subtotals for the conference leg is increased, the new charged amounts are sent from voice peripheral processor 24 to the web browser, and accordingly, real-time cost data is provided for the host caller. See col. 5, lines 7-24, and lines 45-54. In addition, when the conference call completes, the voice peripheral processor 24 sends the final cumulative charge to the billing server 22 along with other information. The billing server 22 prepares and sends a data packet to the billing computer system 28 of the network service provider. At the same time, the cumulative information is sent to the host caller's web browser on the computer 32 via the web server 26. See col. 6, lines 21-37. Thus, the art disclosed in Mansey et al. is completely unrelated to the present invention recited.

In view of the above, Mansey et al. fails to show or suggest the present invention as recited in new claim 11. Thus, new claim 11 is patentable over Mansey et al. Dependent claims are allowable for at least the same reasons. Accordingly, entry and allowance of

new claims 11-13 is respectfully requested.

Claims 14-16

Independent claim 14 recites another scheme to carry out a procedure for charging for distribution of server programs on a network system. Specifically, new claim 14 includes the limitation “the server terminal receives the service program and the permission information from the server via the communication network and distributes the service program to the other terminals via the communication network on the basis of the permission information, and the other terminals receive the service program from the server terminal via the communication network,” “a billing server for charging the other terminals for the distribution,” and “each of the other terminals notifies the billing server to charge for the distribution, and the billing server carries out the charge in response to the notification.”

Mansey et al., in contrast, does not disclose the limitations recited in claim 14. As mentioned above, Mansey et al. merely discloses monitoring real-time billing of an enhanced telephone network service, such as a conference call service. In particular, the billing server 22 disclosed in Mansey et al. prepares the billing data and sends the billing computer system 28 for the network service provider. The personal computers 32 and 33 disclosed in Mansey et al. do not notify the billing server 22 of a charge for receiving a service program. Thus, the billing server 22 disclosed in Mansey et al. is not the same as, or equivalent to, the billing server recited in claim 14.

In view of the above, Mansey et al. fails to show or suggest the present invention as recited in new claim 14. Thus, new claim 14 is patentable over Mansey et al. Dependent claims are allowable for at least the same reasons. Accordingly, entry and allowance of

new claims 14-16 is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04730.002001).

Respectfully submitted,

Date: 4/19/04


#45,079
Jonathan P. Osha, Reg. No. 33,98
Osha & May L.L.P.
One Houston Center, Suite 2800
1221 McKinney Street
Houston, TX 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778